

Patent Application No. 09/743,241

Attorney Docket No. 81922.0004

REMARKS

Applicants appreciate the thorough examination of the present application that is reflected in the Official Action of March 27, 2003. Applicants also appreciate the Examiner's indication that claims 2-24 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 13, 15-17, 19 and 20 are amended to replace the term "received data" with the broader term "in-coming information." This amendment is made to broaden the scope of these claims, and is not made for reasons related to patentability. Claims 13 and 17 are also amended to correct a typographical error by changing the singular verb "select" to the plural verb "selects." Claim 25 has also been amended to clarify that claim. New claims 28-30 are added. Claims 13-30 are pending in the application. Reexamination and reconsideration of the application are respectfully requested.

Art-Based Rejections

Claims 13-14, 17-18 and 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Irube (U.S. Patent 6,377,818) in view of Tagashira et al. (JP 05-145655). Claims 15-16 and 19-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Irube (U.S. Patent 6,377,818) in view of Tagashira et al. (JP 05-145655) further in view of Nishino et al. (JP 01-311744A). Claim 21 was rejected under 35 U.S.C. 103(a) as being unpatentable over Irube (U.S. Patent 6,377,818) in view of Tagashira et al. (JP 05-145655) further in view of Tokano (U.S. Patent 5,838,577). Claims 26-27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Irube (U.S. Patent 6,377,818) in view of Tagashira et al. (JP 05-145655) further in view of Rostoker et al. (U.S. Patent 5,793,416).

Applicants respectfully traverse these rejections for at least the following reasons.

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Claim 13

Claim 13 relates to a mobile communication terminal having a telephone function, a data communication function, and a visual telephone function. The mobile communication terminal includes:

- a camera including an image sensor which picks up images;
- a display unit which displays images;
- a data type identifying unit which identifies whether in-coming information is sound data, text data, or image and sound data, based on a data type information which was appended in advance as a header to in-coming information;
- a registering unit which stores a plurality of application programs including at least an application program for executing the visual telephone function; and
- a control unit which selects one of the application programs in correspondence with the data type information, that is appended to in-coming information and is identified by the data type identifying unit, and activates the selected application program. (Emphasis added.)

Thus, an aspect of the present invention relates to a control unit which selects one of the application programs in correspondence with the data type information, that is appended to in-coming information and is identified by the data type identifying unit, and activates the selected application program. This control unit makes it possible to automatically activate an application program suitable for the data type of the in-coming information, and can eliminate the need for a user to manually activate an application program that is suitable for the in-coming information after the in-coming information is received.

In rejecting claim 13, the Official Action states that Irube et al. differs from the claimed invention in not specifically teaching:

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"a data type identifying unit for identifying whether received data is sound data, text data, or image data, based on a data information which was appended in advance as a header to received data, a registering unit for storing a plurality of application programs including at least an application program for executing the visual telephone function and the control unit for selecting one of the application programs in corresponding with the data type information identified by the data type identifying unit and activating the selected application program." (Emphasis added.)

Thus, the Official Action concedes that Irube et al. fails to teach or suggest three elements of claim 13. Irube et al. (US 6,377,818) does not disclose any remedy for automatically switching a telephone function, a data communication function, and a visual telephone function. To supply these deficiencies of Irube et al. the Official Action cites Tagashira.

Applicants respectfully submit that the cited references fail to teach or suggest "a control unit which selects one of the application programs in correspondence with the data type information, that is appended to in-coming information and is identified by the data type identifying unit, and activates the selected application program," as required by claim 13.

Applicants respectfully submit that the Official Action's characterization of the Tagashira et al. reference is inaccurate.

Tagashira et al. (JP 05-145655A) discloses a comparison analysis circuit (6) for identifying whether the in-coming information is sound data, text data, or image data, in order to determine if the call is to be received or not.

The Abstract of the Tagashira et al. reference discusses that "comparison analysis circuit 6 for the communication medium, and the terminal equipment activate the comparison analysis circuit 6 to judge whether the incoming call is displayed or the incoming call is rejected when a signal control circuit 2 receives a call control signal inputted through a digital subscriber line." (Emphasis added.)

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However, Tagashira et al. fails to disclose a control unit for activating an application program suitable for the data type of the in-coming information.

The Abstract of the Tagashira et al. reference also discusses that "a signal control circuit 2 receives a call control signal inputted through a digital subscriber line and an interface circuit 1 from the network side." (Emphasis added.) There is no indication in the Abstract of Tagashira et al. that the signal control circuit 2 "selects one of the application programs in correspondence with the data type information, that is appended to the incoming information and is identified by the data type identifying unit." (Emphasis added.) Thus, based on the Abstract of Tagashira et al., it is clear that Tagashira et al. does not teach "a control unit which selects one of the application programs in correspondence with the data type information, that is appended to the incoming information and is identified by the data type identifying unit, and activates the selected application program," as required by claim 13.

Consequently, Applicants submit that the cited references fail to teach or suggest at least these recitations of claim 13. Accordingly, the rejection of claim 13 should be withdrawn. Applicants also submit that the rejections of independent claim 17 are patentable over the cited references for at least the same reasons. Claims 14-16 and 18-27 are patentable at least by virtue of their dependency from claims 13 and 17, respectively, and also because those claims describe additional novel elements and features that are not described in the prior art. Therefore, Applicants submits that these claims are separately patentable, and that the rejections of those claims should also be withdrawn.

As noted above, even if the disclosures of the cited references are combined, the present invention is not rendered obvious. Moreover, Applicants also submit that there is no motivation to combine or modify the cited references absent impermissible hindsight reasoning gleaned from the present application, and that

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there is nothing in the cited references that suggests the desirability of such a combination.

Dependent Claims 15-16 and 19-21

Claims 15-16 and 19-21 depend from claims 13 and 17, respectively, and are therefore patentable at least by virtue of their dependency from claims 13 and 17, as discussed above. In addition, Applicants respectfully submits that claims 15-16 and 19-21 are also separately patentable.

In rejecting claims 15-16 and 19-20, at page 6 the Official Action concedes that the cited references fail to teach or suggest that "neither Irube, Tagashira nor Noshino does not specifically teaching to audibly output contents of data type information via a sound output unit." However, the Official Action concludes that:

"it is notoriously old and well known in the art of modifying visual notification to audio notification in order to make user friendly. Therefore, it recognizes to audibly output contents of data type information instead of displaying contents of data type information in order to make user friendly." (Emphasis added.)

Applicants note that claims 15 and 19 require that "the display unit visually displays contents of the data type information prior to line connection after receiving the in-coming information," whereas claims 16 and 20 require that "the sound output unit audibly outputs contents of data type information prior to line connection after receiving the in-coming information."

The Official Action has asserted that the limitations of claims 15-16 and 19-20 are well-known. Applicants respectfully traverses this rejection, and in the event the Official Action seeks to maintain this ground of rejection, requests that the Official Action provide documentary evidence that these features would indeed be well-known at the time of the present application. See MPEP 2144.03.

Applicants submit that the cited reference fails to teach or suggest the recitations of dependent claims 15-16 and 19-20. Accordingly, the rejection of

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dependent claims 15-16 and 19-20 based on the cited references should be withdrawn.

Furthermore, claim 21 requires "an attachment status detecting unit which detects whether a detachable imaging unit is attached when ... the in-coming information includes image and sound data, and the control unit visually or audibly informs a message suggesting attachment of the detachable imaging unit." By this construction, users can notice that the detachable imaging unit is necessary before starting visual telephone function.

Tokano (USP 5,838,577) discloses means for detecting whether a recording device is suitably attached or not. However, Tokano does not relate to a mobile communication terminal having visual telephone function, and fails to teach or suggest the above limitations of claim 21. Therefore, there is no motivation for combining the disclosure of Tokano with the other cited references to arrive at the construction of claim 21.

Claims 22-24

Claims 22-24 have been allowed by the Examiner.

Dependent Claim 25

Claim 25 depends from claim 17 and is therefore patentable at least by virtue of its dependency from claim 17, as discussed above. In addition, Applicants respectfully submit that claim 25 is also separately patentable.

In rejecting claim 25, at page 5 the Official Action concludes that:

"Regarding claim 25, Irube discloses the detachable image unit (4) connected to the body (1) through the camera interface (25) so that the body obviously comprises a card slot section (100) and the detachable image unit obviously comprises a slot connector in order to connect the body with the detachable image unit (col. 5, line 64 through col. 6 line 17)." (Emphasis added.)

Applicants respectfully traverse this rejection, and submit that the cited reference fails to teach or suggest that "the body has a card slot section, the

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detachable imaging unit has a slot connector which can be inserted into and connected with the card slot section, and the output from the image sensor can be transmitted to the body by inserting the slot connector into the card slot section," as required by claim 25. Accordingly, the rejection of dependent claim 25 based on the cited references should be withdrawn.

In the event the Official Action seeks to maintain this ground of rejection, requests that the Official Action provide documentary evidence that these features would indeed be well-known at the time of the present application. See MPEP 2144.03.

New claims 28-30

New claims 28-30 relate to a detachable imaging unit. Support for these claims can be found in Figs. 6A and 6B, and on page 8 of the present specification. Applicants submit that the detachable imaging unit of claims 28-30 is not disclosed nor suggested in the cited references.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 337-6810 to discuss the steps necessary for placing the application in condition for allowance.

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Respectfully submitted,
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